

REMARKS/ARGUMENTS

Before this Response, claims 1-58 were present for examination. No claims are amended, canceled, or added in this Response. Claims 32, 47, 52, and 53 were previously canceled; and claims 55-58 were previously added. Therefore, claims 1-31, 33-46, 48-51, and 54-58 are present for examination, and claims 1, 19, and 37 are the independent claims. Applicants respectfully request reconsideration of this application as presented.

The Office Action mailed April 7, 2006 ("Office Action") has rejected claims 1-54 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent Application 2004/0213286 A1 to Jette et al. ("Jette") in view of the cited portions of U.S. Patent Application 2003/0189935 A1 to Warden et al. ("Warden").

Claims 55-58

The Office Action indicates that claims 1-54 are rejected, but has not addressed claims 55-58, which were added by the preceding Amendment dated January 13, 2006. Consideration of these claims is respectfully requested. Applicants believe that claims 1-58 are allowable, and an action to that end is urged. If the Examiner deems that these claims are not allowable, a non-final Office Action addressing claims 55-58 is respectfully requested.

35 U.S.C. §103(a) Rejection, Jette, Warden

The Office Action has rejected claims 1-54 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Jette in view of the cited portions of Warden. Applicants believe that the claims are allowable as presented. More specifically, the cited references do not teach or suggest: (1) a control signal initiated remotely by a telecommunications service provider, as recited in claims 1 and 19, or (2) the guaranteed allocation of at least a specified amount of bandwidth, as recited in claims 1, 19, and 37. Reconsideration of these rejections is respectfully requested.

First Missing Limitation: Remote Configuration

Claims 1 and 19 provide a "control signal to modify the configuration of the external interface, the control signal initiated remotely by the telecommunication service provider." Of specific note, these claims provide that the control signal is *initiated remotely*, and that the initiation of the control signal is by a *telecommunication service provider*.

Jette teaches that the Optical Network Terminal (ONT) can be configured and controlled by request from the Optical Line Terminal (OLT). Jette, ¶ 66. The OLT is an internal part of the Full Service Access Network (FSAN), which, in turn, connects to outside voice and data networks. Id. Thus, the control signal in Jette is initiated locally by an internal component of the FSAN.

The Examiner has characterized Jette as teaching a control signal *initiated remotely*, even though the control signal in Jette is initiated internally and locally by the OLT. Further, the Examiner has characterized Jette as teaching the initiation of the control signal by a *telecommunication service provider*, even though the OLT in Jette merely provides specific telecommunication information. The Specification distinguishes between providers of telecommunication *services* and telecommunication *information*. (Original Application, p. 7, ¶ 0028). Because the OLT simply acts as one of the components of the FSAN which internally handles certain telecommunication information, the OLT is not a telecommunication service provider. Therefore, since the OLT is neither remote nor a telecommunication service provider, Jette does not teach a "control signal initiated remotely by the telecommunication service provider."

Second Missing Limitation: Allocated Bandwidth

Claims 1, 19, and 37 provide the allocation of "at least a specified amount of bandwidth" to "one of the at least two distinct internal interfaces" of a network interface device. The Examiner has characterized Warden as teaching the desirability of providing quality of service (QoS) guarantees.

In fact, Warden teaches only the implementation of certain QoS algorithms, and merely suggests ways of using these algorithms in *virtual connections* with certain types of

network traffic. Warden uses certain methods (like header information) to affect how frames travel through virtual connections, specifically where those connections have inherent QoS limitations. Warden, ¶¶ 25-29. Warden does not define QoS algorithms in a manner which reads on the specified bandwidth allocation for the internal interface, as recited in the claims.

Motivation to Combine

Further, motivation for the specific combination of elements is lacking, along with any reasonable likelihood of success in that combination. With regard to the motivation to combine the references, no citation is made to a reference for a motivation to combine. Thus, the Applicants can only assume official notice is being relied upon. Moreover, given Warden's stated intention to overcome environmentally-related QoS limitations, it appears counter-intuitive to combine the references by incorporating the QoS guarantees within the system of Jette, a reference which provides no such environmental limitations. Therefore, should the apparent official notice be maintained, an express showing of proof is respectfully requested. MPEP 2144.03.

Because it is asserted that the cited references do not teach the limitations at issue, it is respectfully submitted that independent claims 1, 19, and 37 are allowable for at least the foregoing reasons. Claims 2-8, 20-31, 3336, 38-46, 48-51, and 54-58 each depend from claims 1, 19 or 37, and these claims are believed allowable for at least the same reasons as given above.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Appl. No. 10/715,879
Amdt. dated June 6, 2006
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2643

PATENT

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Drapkin', written over the printed name.

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